

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

YOU ME PATENT & LAW FIRM

Seotim Bldg. 649-10 Yoksam-dong, Kangnam-ku Seoul 135-080 Republic of Korea



WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY
EXAMINING AUTHORITY

(PCT Rule 66)

Date of mailing
(day/month/year) 26 DECEMBER 2005 (26.12.2005)

Applicant's or agent's file reference
OPP043595KR

REPLY DUE within 2 months from
the above date of mailing

International application No.

PCT/KR2004/003491

International filing date (day/month/year)

29 DECEMBER 2004 (29.12.2004)

Priority date(day/month/year)

31 DECEMBER 2003 (31.12.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC7 C12F 17/02

Applicant

SAMYANG GENEX CORPORATION et al

1. ☒ The written opinion established by the International Searching Authority :

☒ is

☐ is not

considered to be a written opinion of the International Preliminary Examining Authority.

2. This first (first, etc.) opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

3. The applicant is hereby invited to reply to this opinion.

When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(e).

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4bis. For an informal communication with the examiner, see Rule 66.4. For an additional opportunity to submit amendments, see Rule 66.4.

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary report on patentability

(Chapter II of the PCT) must be established according to Rule 69.2 is: 20 APRIL 2006 (20.04.2006)

Name and mailing address of the IPEA/KR

Korean Intellectual Property Office
920 Damsan-dong, Seo-gu, Daejeon 302-701,
Republic of Korea

Facsimile No. 82-42-472-7140

Authorized officer

SEONG, Young Hwan

Telephone No. 82-42-481-5975



WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

International application No.

PCT/KR2004/003491

Box No. I Basis of the opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which was filed, unless otherwise indicated under this item.
- ☒ This opinion is based on a translation from the original language into the following language: English, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☒ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the elements of the international application, this opinion has been established on the basis of (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."):
- ☒ the international application as originally filed
- ☐ the description:
- pages _____, as originally filed/furnished
- pages _____ received by this Authority on _____
- pages _____ received by this Authority on _____
- ☐ the claims:
- pages _____, as originally filed/furnished
- pages _____, as amended (together with any statement) under Article 19
- pages _____ received by this Authority on _____
- pages _____ received by this Authority on _____
- ☐ the drawings:
- pages _____, as originally filed/furnished
- pages _____ received by this Authority on _____
- pages _____ received by this Authority on _____
- ☐ the sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheet/fig. _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to the sequence listing (specify): _____
4. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheet/fig. _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to the sequence listing (specify): _____

**WRITTEN OPINION OF THE
INTERNATIONAL PRELIMINARY EXAMING AUTHORITY**

International application No.

PCT/KR2004/003491

Box No. V Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-12	YES
	Claims	None	NO
Inventive step (IS)	Claims	1-9	YES
	Claims	10-12	NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims	None	NO

2. Citations and explanations :

견해서 작성시 참고한 문헌은 다음과 같습니다.

D1 : The Plant Cell, Vol. 15 : 1468-1479 (2003-06)

"The Transcriptional Enhancer of the Pea Plastocyanin Gene Associates with the Nuclear Matrix and Regulates Gene Expression through Histone Acetylation"

본원발명은 식물세포배양에서 이차대사산물을 대량으로 생산하는 방법과 식물세포배양에서 이차대사산물의 생산성을 향상시키기 위하여 알카노산(alkanoic acid) 및 알카노산 염의 처리농도 등 최적조건을 제공하는 식물세포배양에 의한 이차대사산물 생산용 배지에 관한 것이나, 그 중 식물세포배양에 의한 이차대사산물 생산용 배지에 관한 특허청구범위 제10항 내지 제12항은 본원발명의 출원 전에 반포된 간행물인 상기 D1에 본원발명의 최적조건인 처리농도 0.1 내지 20mM의 알카노산 또는 이의 염을 포함하는 식물세포 배양 배지에 대응하는 '10mM의 sodium butyrate를 포함하는 식물세포 배양 배지'에 대한 특징적인 구성이 기재되어 있어 각별한 차이가 없으며, 또한 본원발명의 구성에 따른 작용·효과에 있어서도 D1으로부터 통상의 예측 가능한 정도 이내의 것이므로 본원발명의 상기 청구항들은 그 출원 전에 이 기술분야에서 통상의 지식을 가진 자가 D1으로부터 용이하게 발명할 수 있는 정도의 것으로 진보성이 인정되지 아니합니다.

※참고 : 보정서를 제출하실 경우에는 특허협력조약(PCT) 규칙 제66조(66.8)의 규정에 의하여 대체용지로 제출하여야 합니다.